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LODGE NO. 160

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
REGION 19

INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE  
WORKERS, DISTRICT LODGE NO. 160,

Charged Party,

and

SSA TERMINALS, INC.,

Charging Party

and

INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION ("ILWU") AND  
INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION LOCAL 19  
("LOCAL 19"),

Intervenors

INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION ("ILWU") AND  
INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION LOCAL 19  
("LOCAL 19"),

Charged Party

and

INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE  
WORKERS, DISTRICT LODGE NO. 160,

Charging Party

No. 19-CD-303801  
No. 19-CD-303964

**OPPOSITON TO MOTION TO  
INTERVENE**

Machinists District Lodge 160, Local 289, opposes the Motion to Intervene filed by the Pacific Maritime Association. Contrary to the representations of counsel, the PMA is not a legitimate multi-employer bargaining association. To the contrary, it is controlled by non-employers, primarily the so-called indirect employers: the shipping lines. They have no interest in labor relations because they don't employ anyone. The intervention should be denied.


Alternatively, intervention should be withheld pending an evidentiary hearing as to the nature of the PMA. If the Charging Parties present substantial evidence in the early 10(k) proceedings as well as the subsequent proceeding, under Section 8(b)(4)(D) that the Pacific Maritime Association is an illegitimate employer association because of the fact that it's controlled by non-employers, the shipping lines. Machinists should be allowed to prove the composition of the PMA and how it is controlled by the shipping lines who are not employers.

It should be noted the PMA is not claiming any interest on behalf of the employer, but on behalf of the multi-employer association. Its interests are different, and for that reason also intervention should be denied.

For these reasons, the Motion to Intervene should be denied. Similarly or an evidentiary hearing should be required in order to establish whether the PMA has a legitimate interest in the outcome of this dispute.

Dated: October 18, 2022

WEINBERG, ROGER & ROSENFELD  
A Professional Corporation

By:   
\_\_\_\_\_  
DAVID A. ROSENFELD  
Attorneys for Charged Party and  
Charging Party,  
Attorneys for INTERNATIONAL ASSOCIATION  
OF MACHINISTS AND AEROSPACE  
WORKERS, DISTRICT LODGE NO. 160

154626\1311344

**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF ALAMEDA

I am employed in the County of ALAMEDA, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 1375 55th Street, Emeryville, California 94608.

On October 18, 2022, I served the following document(s) described as: **OPPOSITION TO MOTION TO INTERVENE**

- ☒ **BY ELECTRONIC SERVICE:** By electronically mailing a true and correct copy through Weinberg, Roger & Rosenfeld's electronic mail system from [mlland@unioncounsel.net](mailto:mlland@unioncounsel.net) to the email addresses set forth below.

on the following part(ies) in this action:

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Email: [Kirsten.donovan@ilwu.org](mailto:Kirsten.donovan@ilwu.org)

Executed on October 18, 2022, at Emeryville, California.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19**

**INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE WORKERS,  
DISTRICT LODGE NO. 160**

**Charged Party**

**and**

**Case 19-CD-303801**

**SSA TERMINALS, INC.**

**Charging Party**

**and**

**INTERNATIONAL LONGSHORE AND WAREHOUSE  
UNION ("ILWU") AND INTERNATIONAL LONGSHORE  
AND WAREHOUSE UNION LOCAL 19 ("LOCAL 19")**

**Intervenors**

**and**

**PACIFIC MARITIME ASSOCIATION**

**Intervenor**

**INTERNATIONAL LONGSHORE AND WAREHOUSE  
UNION ("ILWU") AND INTERNATIONAL LONGSHORE  
AND WAREHOUSE UNION LOCAL 19 ("LOCAL 19")**

**Charged Party**

**and**

**Case 19-CD-303964**

**INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE WORKERS,  
DISTRICT LODGE 160, LOCAL LODGE 289**

**Charging Party**

**ORDER GRANTING MOTION TO INTERVENE**

By Order dated October 13, 2022, the undersigned issued a Notice of 10(k) Hearing in the above-captioned matter. On October 17, 2022, Pacific Maritime Association (PMA) filed a Motion to Intervene in

Case No. 19-CD-303801. On October 18, 2022, International Association of Machinists and Aerospace Workers, District Lodge No. 160 (IAM No. 160) filed its Opposition to Motion to Intervene. On October 19, 2022, PMA filed its Response to the IAM's Opposition to PMA's Motion to Intervene pursuant to the Board's Rules and Regulations.

After due consideration and upon good cause shown, **IT IS HEREBY ORDERED** that Pacific Maritime Association's Motion for status as an Intervenor is granted. The above case caption is changed to reflect that PMA has been afforded intervenor status and that PMA shall have all the rights afforded an Intervenor at the 10(k) hearing to be held on Thursday, November 3, 2022, regarding the assignment of the following work:

The performance of cold ironing work at Terminal 5 of the Port of Seattle,  
in Seattle, Washington.

**DATED** at Seattle, Washington, this 24<sup>th</sup> day of October 2022.

*Ronald K. Hooks*

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Ronald K. Hooks, Regional Director  
National Labor Relations Board, Region 19  
915 Second Ave., Ste. 2948  
Seattle, WA 98174-1006

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19**

---

**INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE WORKERS,  
DISTRICT LODGE NO. 160**

**Charged Party**

**and**

**SSA TERMINALS, LLC**

**Charging Party**

**And**

**PACIFIC MARITIME ASSOCIATION**

---

**Intervenor**

**Case No. 19-CD-303801**

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**INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION AND INTERNATIONAL  
LONGSHORE AND WAREHOUSE UNION,  
LOCAL 19**

**Charged Party**

**and**

**INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE WORKERS,  
DISTRICT LODGE 160, LOCAL LODGE 289**

**Charging Party**

**and**

**PACIFIC MARITIME ASSOCIATION AND  
SSA MARINE**

---

**Involved Parties**

**Case No. 19-CD-303964**

**MSC MEDITERRANEAN SHIPPING COMPANY S.A.'S**  
**MOTION TO INTERVENE**

Pursuant to 29 U.S.C. § 160(b) of the National Labor Relations Act (“NLRA” or “Act”), MSC Mediterranean Shipping Company S.A. (“MSC”), files this Motion to Intervene in the above-captioned cases. MSC has a particularized interest in the outcome of the proceedings that is not represented by any of the existing parties.

**I. INTRODUCTION**

MSC is a global shipping line that operates a fleet of more than 700 containerships owned or chartered by MSC. As an interested party with an important and unrepresented perspective in this matter, MSC seeks leave to intervene.

SSA Terminals, LLC (“SSAT”), operates Terminal 5 (“T5”) in the Port of Seattle. Certain MSC vessels call T5. The dispute in the above-captioned cases is related to which labor union is assigned the activities associated with connecting vessels to electrical shore power—a process known as “cold ironing”—when those vessels call T5. The contemplated cold ironing work is performed *on MSC vessels and equipment installed on MSC vessels*.

All members of the Pacific Maritime Association (“PMA”), including SSAT and MSC, are bound to the collective bargaining agreement between PMA and the International Longshore and Warehouse Union (“ILWU”). The relevant collective bargaining agreement, the Pacific Coast Longshore Contract Document (“PCLCD”), requires among other things that the ILWU be assigned “[a]ll on dock activities associated with the plugging and unplugging of vessels for cold ironing or its equivalent.” PCLCD § 1.75. By a letter dated September 16, 2022, MSC requested that SSAT honor this obligation for MSC ships calling T5.

As MSC understands, another union, the International Association of Machinists and Aerospace Workers District Lodge 160 (“IAM”), has attempted to claim that same plugging and

unplugging work based on a dissimilar NLRB decision dealing with certain maintenance and repair work performed on SSAT's cargo handling equipment and other on-terminal equipment at T5. IAM has threatened "economic action" against T5 should SSAT honor its contractual obligations to the ILWU and assign to the ILWU the cold-ironing work at T5. That threat directly implicates MSC, because it is MSC's vessels that call T5 and would be at the center of this dispute. The Board should grant MSC's motion to intervene so that MSC can provide a witness to express MSC's preference that the ILWU be granted the cold ironing work at T5 and other evidence in defense of the assignment of the work to the ILWU.

## **II. RELEVANT FACTUAL BACKGROUND**

The Ports of Seattle and Tacoma form the Northwest Seaport Alliance ("NWSA"). T5 is a new terminal in the Port of Seattle. On January 7, 2022, the MSC *Monterey* was the first vessel to call the new terminal. MSC is the only carrier whose vessels have called T5 since it opened.

Shore power is the provision of electricity from the local power grid to meet a ship's energy needs while it is at berth. The practice of connecting a shore power-capable vessel to shore power is known as "cold ironing." This allows the vessel to turn off the diesel engines that normally generate this power when the ship is at sea—or at a berth without shore power.

In order to provide power to ships, substantial electrical infrastructure improvements are required. A typical container ship needs a megawatt or more of power while it is docked, or roughly the equivalent of powering about 800 homes. To provide this power, substantial power distribution infrastructure must be installed on land, including transformers, underground wiring, switchgear, and connection boxes (plug in points) in the wharf. All together, these infrastructure elements are expensive, costing from millions to tens of millions of dollars to install shore power at a containership terminal.



As part of the modernization of T5, the NWSA installed shore power at T5's operational berth. (The other berth remains under construction.) The shore power system at T5 is being partially funded by a special appropriation from the State of Washington.

In addition to needing landside infrastructure available, for a ship to use shore power, it must have special equipment installed to accept shore power. The onboard equipment required to connect to shore power is not standard and is expensive. To install the required equipment on a newbuild vessel can add more than \$500,000 in cost, and to retrofit an existing vessel can cost more than \$1,000,000. Importantly, the crane, power line, and other equipment that are used in the cold ironing process are MSC's property (or chartered property) and are a permanent part of the physical structure of MSC vessels. MSC has an interest that this property be used properly, safely, and efficiently. As shore power requirements are implemented in other areas, such as California, more and more ships capable of using shore power will call terminals in the Pacific Northwest.

Cold ironing by connecting to shore power is no small feat. Because the voltage required can be extremely dangerous, it requires a team of workers trained to operate the crane that handles the power line, to plug/unplug the power line to the landside infrastructure, and to operate the equipment used to activate/deactivate the shore power. Cold ironing requires constant manning from the time the ship berths and plugs in until it unplugs and leaves—potentially implicating hundreds of manhours. Those manhours and the electricity consumed by a shore power-capable MSC vessel while at berth are paid for by MSC.

The PCLCD assigns to ILWU “[a]ll on dock activities associated with the plugging and unplugging of vessels for cold ironing.” *See* PCLCD § 1.75. As indicated above, MSC is a PMA

member and is bound by the PCLCD and each of its terms, including this assignment of cold ironing work to the ILWU.

This notwithstanding, the IAM argues that an award to it of “maintenance and repair work at Terminal 5” includes cold ironing. *See International Association of Machinists and Aerospace Workers*, 369 NLRB No. 126 at \*2 (2020). The stakes of this disagreement are especially significant for MSC, considering the work is performed on MSC vessels and using equipment installed on MSC vessels and the IAM’s threat to take economic action against SSAT if it is not given the cold ironing work. Without leave to intervene, MSC’s unique interests will go unrepresented, and its business will be threatened.

### **III. ARGUMENT**

MSC meets the legal standard for intervention in this dispute. “In the discretion of the member, agent, or agency conducting the hearing or the Board, any other person may be allowed to intervene in the said proceeding and to present testimony.” 29 U.S.C. § 160(b); *see also* 29 C.F.R. § 102.29 (“The regional director or the administrative law judge, as the case may be, may by order permit intervention in person or by counsel or other representative to such extent and upon such terms as he may deem proper.”). In deciding a motion to intervene, the Board considers Section 554(c) of the Administrative Procedure Act (“APA”), which provides that the “agency shall give all interested parties opportunity for . . . the submission and consideration of facts, arguments, offers of settlement, or proposals of adjustment when time, the nature of the proceeding, and the public interest permit . . . .” *See Camay Drilling Co.*, 239 NLRB 997, 998 (1978). MSC should be granted leave to intervene here because (1) it is an “interested part[y]”; and (2) its interests will otherwise go unrepresented.

First, MSC has a material interest in this dispute. MSC's vessels (and which union connects those vessels to shore power) are at the center of the dispute. MSC is the only carrier with vessels calling T5. A possible economic action at Terminal 5 would, then, directly harm MSC's business interests as the controversy centers around work aboard, affecting the operation of, and using equipment part of MSC vessels. As a global shipping line, MSC depends on reliable port access to keep supply chains moving.<sup>1</sup>

In addition, the PCLCD, to which MSC is a party, assigns cold ironing at T5 to the ILWU. MSC has an interest in this PCLCD term, and the entirety of the agreement, being honored. This is not to say that carriers will always have an interest in disputes between labor unions and terminal operators. But the following unique factors, in combination, demonstrate MSC's interest in this matter: (1) the power line and crane used to connect MSC vessels to shore power are a permanent part of MSC vessels' structures (making this infrastructure different than just moving or connecting containers which are removable); (2) cold-ironing involves connecting MSC's property to the power substation that is owned by the Northwest Seaport Alliance ("NWSA"), which makes it different than merely loading and discharging of cargo at a terminal leased by a terminal operator; (3) cold-ironing is a dangerous activity that could damage MSC's vessel and equipment and injure its personnel if not done correctly; (4) MSC has an interest in having ILWU workers conduct this dangerous work because the PMA and ILWU operate joint training and dispatching operations that provide MSC confidence that the ILWU workers will be competent and efficient in conducting cold ironing work; (5) MSC has an interest in having a union that is familiar with its vessels and equipment perform the work; and (6) MSC

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<sup>1</sup> See, e.g., The Economist, *The Business Costs of Supply Chain Disruption* (Feb. 25, 2021), <https://impact.economist.com/perspectives/sustainability/business-costs-supply-chain-disruption-1> (estimating that 2020 supply chain disruptions cost US and European businesses up to four trillion dollars).

has an interest in ensuring compliance with the PCLCD, pursuant to which all PMA members have agreed to assign cold ironing at facilities such as T5 to the ILWU. These interests mean that MSC should have an “opportunity for . . . the submission and consideration of facts [and] arguments” vindicating their interests. *See Camay Drilling Co.*, 239 NLRB at 998.

Second, no other party in the dispute adequately represents MSC’s interests. The IAM is adverse to MSC, having threatened economic action that would harm MSC. The ILWU is in a collective bargaining relationship with the PMA (of which MSC is a member), but the ILWU has divergent interests. After all, the IAM’s threatened economic action is in reality aimed at MSC’s vessels and cargo, not the ILWU. SSAT has a contractual relationship with the IAM (for collective bargaining over M&R work), but MSC is not a party to that contract—or any other contract with the IAM—and has no bargaining relationship with the IAM. Thus, SSAT has motivations and incentives different from MSC. Finally, although MSC is a member of PMA, MSC has a unique interest in its own equipment and vessels and its own ability to call T5 safely and efficiently, which is distinct from PMA’s interest as the collective bargaining representative of the entire multi-employer collective.

Moreover, MSC has an interest that is unique from PMA and SSAT’s for the reasons discussed above. For the sake of the safety of MSC’s vessels and crews, it has a unique interest that the workers who handle MSC’s shore power equipment be properly trained and supervised. Accordingly, the current parties to the dispute do not adequately represent MSC’s interests in ensuring the cold ironing work is performed by the ILWU, avoiding economic action by IAM, and securing the reliable flow of cargo shipped by MSC. Accordingly, MSC’s unique perspective would help this Board resolve the dispute, and intervention is proper.

#### IV. CONCLUSION

For all the foregoing reasons, MSC respectfully requests that the Board grant this motion to intervene in the above-captioned cases.

Dated: October 25, 2022

Respectfully submitted,

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*Attorneys for MSC Mediterranean Shipping  
Company SA.*

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the MSC's Motion to Intervene was filed today, October 25, 2022, using the NLRB's e-Filing system and was served by email upon the following:

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/s/ Joseph N. Akrotirianakis

Joseph N. Akrotirianakis

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19**

**INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE WORKERS,  
DISTRICT LODGE NO. 160**

**Charged Party**

**and**

**SSA TERMINALS, INC.**

**Case 19-CD-303801**

**Charging Party**

**and**

**INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION (“ILWU”) AND  
INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION LOCAL 19 (“LOCAL 19”)**

**Intervenors**

**and**

**PACIFIC MARITIME ASSOCIATION**

**Intervenor**

**INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION (“ILWU”) AND  
INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION LOCAL 19 (“LOCAL 19”)**

**Charged Party**

**and**

**INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE WORKERS,  
DISTRICT LODGE NO. 160.**

**Case 19-CD-303964**

**Charging Party**

**ORDER CHANGING LOCATION OF HEARING**

By Order dated October 13, 2022, the undersigned issued a Notice of 10(k) Hearing in the above-captioned matter to be conducted by videoconference (Zoom) on November 3, 2022.

On October 14, 2022, ILWU and Local 19 filed objections to conducting the 10(k) Hearing by videoconference. No party objected to holding the hearing in-person.

**IT IS HEREBY ORDERED** that the videoconference (Zoom) hearing in the above-entitled matter is rescheduled to an in-person hearing scheduled for 10:00 AM PT on Thursday, November 3, 2022, and consecutive days thereafter until concluded and will be conducted at James C. Sand Hearing Room, 29<sup>th</sup> Floor, Jackson Federal Building, 915 Second Avenue, Seattle, Washington.

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Ronald K. Hooks, Regional Director  
National Labor Relations Board  
Region 19  
915 2nd Ave Ste 2948  
Seattle, WA 98174-1006



**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19**

**IAMAW DISTRICT LODGE NO. 160 (SSA  
TERMINALS, LLC)**

**and**

**Case 19-CD-303801; 19-CD-303964**

**SSA TERMINALS, LLC AND INTERNATIONAL  
ASSOCIATION OF MACHINISTS AND  
AEROSPACE WORKERS, DISTRICT LODGE  
160, LOCAL LODGE 289**

**and**

**PACIFIC MARITIME ASSOCIATION AND SSA  
MARINE**

**AFFIDAVIT OF SERVICE OF ORDER CHANGING LOCATION OF HEARING**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on , I served the above-entitled document(s) by **regular mail** upon the following persons, addressed to them at the following addresses:

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---

Date

**Enter NAME**, Designated Agent of NLRB

---

Name

---

Signature

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19**

---

**INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE WORKERS,  
DISTRICT LODGE NO. 160**

**Charged Party**

**and**

**SSA TERMINALS, LLC**

**Charging Party**

**And**

**PACIFIC MARITIME ASSOCIATION**

---

**Intervenor**

**Case No. 19-CD-303801**

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**INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION AND INTERNATIONAL  
LONGSHORE AND WAREHOUSE UNION,  
LOCAL 19**

**Charged Party**

**and**

**INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE WORKERS,  
DISTRICT LODGE 160, LOCAL LODGE 289**

**Charging Party**

**and**

**PACIFIC MARITIME ASSOCIATION AND  
SSA MARINE**

---

**Involved Parties**

**Case No. 19-CD-303964**

**MSC MEDITERRANEAN SHIPPING COMPANY SA'S REPLY TO THE  
LIMITED OPPOSITION TO MOTION TO INTERVENE**

MSC Mediterranean Shipping Company S.A. ("MSC"), files this Reply to the International Association of Machinists and Aerospace Workers District Lodge 160's ("IAM") Limited Opposition to MSC's Motion to Intervene in the above-captioned cases.

IAM had not (through its counsel or otherwise) contacted MSC, prior to filing its opposition, to determine the identity of MSC's service agent in the United States or to inquire whether MSC would be willing to accept service of a subpoena duces tecum by its counsel. There is, however, no reason to delay the hearing. IAM has known all along that MSC's vessels are the only vessels that call T5 and would be central to this dispute. But prior to filing its opposition, IAM made no effort to seek any information or serve a subpoena on MSC.

MSC in fact has a designated agent for service in the United States (CSC Corporation Service Company, 300 Deschutes Way SW Suite 208 Tumwater WA 98501). To expedite matters, undersigned counsel has also been authorized to accept service of a subpoena duces tecum from the IAM directed to MSC. If the IAM sends such a subpoena, counsel for MSC will promptly evaluate the request(s) and whether the documents requested are required to be produced—or can lawfully be produced—pursuant to Swiss and U.S. law. As such, there is not a basis or need to delay the hearing. Accordingly, the MSC's Motion to Intervene appears to be unopposed.

Dated: October 28, 2022

Respectfully submitted,

/s/ Joseph N. Akrotirianakis

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*Attorneys for MSC Mediterranean Shipping  
Company SA.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the MSC's Reply was filed today, October 28, 2022, using the NLRB's e-Filing system and was served by email upon the following:

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Todd Amidon  
Pacific Maritime Association  
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/s/ Joseph N. Akrotirianakis

Joseph N. Akrotirianakis

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19**

**IAMAW DISTRICT LODGE NO. 160**

**Charged Party**

**and**

**SSA TERMINALS, LLC**

**Charging Party**

**and**

**Case 19-CD-303801**

**INTERNATIONAL LONGSHORE &  
WAREHOUSE UNION, INTERNATIONAL  
LONGSHORE & WAREHOUSE UNION,  
LOCAL 19**

**Intervenor**

**and**

**PACIFIC MARITIME ASSOCIATION**

**Intervenor**

**and**

**MSC MEDITERRANEAN SHIPPING COMPANY  
S.A.**

**Party-In-Interest**

**ORDER REFERRING PETITIONS TO REVOKE  
SUBPOENA DUCES TECUM TO HEARING OFFIER**

On October 31, 2022, Counsel for Intervenor, International Longshore and Warehouse Union (ILWU) and ILWU Local 19, filed Petition to Revoke Subpoena Duces Tecum B-1-1H7VZJL.

On November 1, 2022, Counsel for Intervenor, Pacific Maritime Association, filed Petition to Revoke Subpoena Duces Tecum B-1-1H7W4AP.

After due consideration, I have determined not to make a ruling on the Intervenor's Petitions at this time and, instead, to issue the following directive:



**IT IS HEREBY ORDERED** that the Petitions to Revoke Subpoena Duces Tecum be, and hereby are, referred for ruling to the designated Hearing Officer. The hearing is scheduled for Thursday, November 3, 2022 at 10:00 AM (PDT).

Date at Seattle, Washington, this 1<sup>st</sup> day of November , 2022.

A handwritten signature in black ink, reading "Ronald K. Hooks". The signature is written in a cursive style with a large, stylized "R" and "H".

---

Ronald K. Hooks, Regional Director  
National Labor Relations Board, Region 19  
Henry M. Jackson Federal Building  
915 2<sup>nd</sup> Avenue, Ste. 2948  
Seattle, WA 98174

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19**

**IAMAW DISTRICT LODGE NO. 160**

**Charged Party**

**and**

**SSA TERMINALS, LLC**

**19-CD-303801**

**Charging Party**

**and**

**INTERNATIONAL LONGSHORE &  
WAREHOUSE UNION, INTERNATIONAL  
LONGSHORE & WAREHOUSE UNION, LOCAL  
19**

**Intervenor**

**and**

**PACIFIC MARITIME ASSOCIATION**

**Intervenor**

**and**

**MSC MEDITERRANEAN SHIPPING COMPANY  
S.A.**

**Party-In-Interest**

**AFFIDAVIT OF SERVICE OF: Order Referring Petition to Revoke Subpoena Duces  
Tecum to Hearing Officer, dated November 1, 2022.**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on November 1, 2022, I served the above-entitled document(s) by regular mail and e-issue upon the following persons, addressed to them at the following addresses:

Brandon Hemming, Assistant Business Rep  
IAM, District Lodge 160  
9135 15th Pl S  
Seattle, WA 98108-5100

David A. Rosenfeld , Attorney  
Weinberg, Roger & Rosenfeld  
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Edward DeNike, General Manager  
SSA Marine  
1131 SW Klickitat Way  
Seattle, WA 98134-1108

William Adams, President  
International Longshore & Warehouse Union  
1188 Franklin St, 4th Fl  
San Francisco, CA 94109-6800

Eleanor Morton, Attorney  
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San Francisco, CA 94109-6852

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ILWU, Local 19  
3440 E Marginal Way S  
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San Francisco, CA 94109

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San Francisco, CA 94109-6800

Jim McKenna, Chief Operating Officer  
Pacific Maritime Association  
555 Market St, Fl 3  
San Francisco, CA 94105-5801

Jonathan C. Fritts, Attorney  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Ave, NW  
Washington, DC 20004-2541

Joseph N. Akrotirianakis, Attorney  
King & Spalding LLP  
633 West 5th St, Suite 1600  
Los Angeles, CA 90071

MSC Mediterranean Shipping Company S.A.  
CSC Corporation Service Company  
300 Deschutes Way SW, STE 208  
Tumwater, WA 98501

---

Date

---

Dennis Snook, Designated Agent of NLRB  
Name

/s/ Vicky Perkins

---

Signature

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19**

**IAMAW DISTRICT LODGE NO. 160**

**Charged Party**

**and**

**SSA TERMINALS, LLC**

**Charging Party**

**and**

**Case 19-CD-303801**

**INTERNATIONAL LONGSHORE &  
WAREHOUSE UNION, INTERNATIONAL  
LONGSHORE & WAREHOUSE UNION,  
LOCAL 19**

**Intervenor**

**and**

**PACIFIC MARITIME ASSOCIATION**

**Intervenor**

**and**

**MSC MEDITERRANEAN SHIPPING COMPANY  
S.A.**

**Party-In-Interest**

**ORDER REFERRING PETITIONS TO REVOKE  
SUBPOENA DUCES TECUM TO HEARING OFFIER**

On October 31, 2022, Counsel for Intervenor, International Longshore and Warehouse Union (ILWU) and ILWU Local 19, filed Petition to Revoke Subpoena Duces Tecum B-1-1H7VZJL.

On November 1, 2022, Counsel for Intervenor, Pacific Maritime Association, filed Petition to Revoke Subpoena Duces Tecum B-1-1H7W4AP.

After due consideration, I have determined not to make a ruling on the Intervenor's Petitions at this time and, instead, to issue the following directive:

**IT IS HEREBY ORDERED** that the Petitions to Revoke Subpoena Duces Tecum be, and hereby are, referred for ruling to the designated Hearing Officer. The hearing is scheduled for Thursday, November 3, 2022 at 10:00 AM (PDT).

Date at Seattle, Washington, this 1<sup>st</sup> day of November , 2022.

A handwritten signature in black ink, reading "Ronald K. Hooks". The signature is written in a cursive style with a horizontal line extending from the end of the name.

---

Ronald K. Hooks, Regional Director  
National Labor Relations Board, Region 19  
Henry M. Jackson Federal Building  
915 2<sup>nd</sup> Avenue, Ste. 2948  
Seattle, WA 98174

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19**

**IAMAW DISTRICT LODGE NO. 160**

**Charged Party**

**and**

**SSA TERMINALS, LLC**

**Charging Party**

**and**

**Case 19-CD-303801**

**INTERNATIONAL LONGSHORE &  
WAREHOUSE UNION, INTERNATIONAL  
LONGSHORE & WAREHOUSE UNION,  
LOCAL 19**

**Intervenor**

**and**

**PACIFIC MARITIME ASSOCIATION**

**Intervenor**

**and**

**MSC MEDITERRANEAN SHIPPING COMPANY  
S.A.**

**Party-In-Interest**

**ORDER REFERRING PETITIONS TO REVOKE  
SUBPOENA DUCES TECUM TO HEARING OFFIER**

On November 2, 2022, Counsel for Party-In-Interest, MSC Mediterranean Shipping Company S.A., filed Petition to Revoke Subpoena Duces Tecum B-1-1H7WD33.

After due consideration, I have determined not to make a ruling on the Party-In-Interest's Petition at this time and, instead, to issue the following directive:

**IT IS HEREBY ORDERED** that the Petition to Revoke Subpoena Duces Tecum be, and

hereby is, referred for ruling to the designated Hearing Officer. The hearing is scheduled for Thursday, November 3, 2022 at 10:00 AM (PDT).

Date at Seattle, Washington, this 2<sup>nd</sup> day of November, 2022.

A handwritten signature in cursive script that reads "Ronald K. Hooks". The signature is written in black ink and is positioned above a horizontal line.

---

Ronald K. Hooks, Regional Director  
National Labor Relations Board, Region 19  
Henry M. Jackson Federal Building  
915 2<sup>nd</sup> Avenue, Ste. 2948  
Seattle, WA 98174

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19**

**IAMAW DISTRICT LODGE NO. 160**

**Charged Party**

**and**

**SSA TERMINALS, LLC**

**Charging Party**

**and**

**Case 19-CD-303801**

**INTERNATIONAL LONGSHORE &  
WAREHOUSE UNION, INTERNATIONAL  
LONGSHORE & WAREHOUSE UNION,  
LOCAL 19**

**Intervenor**

**and**

**PACIFIC MARITIME ASSOCIATION**

**Intervenor**

**and**

**MSC MEDITERRANEAN SHIPPING COMPANY  
S.A.**

**Party-In-Interest**

**ORDER REFERRING PETITIONS TO REVOKE  
SUBPOENA DUCES TECUM TO HEARING OFFICER**

On November 2, 2022, Counsel for Party-In-Interest, MSC Mediterranean Shipping Company S.A., filed Petition to Revoke Subpoena Duces Tecum B-1-1H7WD33.

After due consideration, I have determined not to make a ruling on the Party-In-Interest's Petition at this time and, instead, to issue the following directive:

**IT IS HEREBY ORDERED** that the Petition to Revoke Subpoena Duces Tecum be, and hereby is, referred for ruling to the designated Hearing Officer. The hearing is scheduled for Thursday, November 3, 2022 at 10:00 AM (PDT).



Date at Seattle, Washington, this 2<sup>nd</sup> day of November, 2022.

A handwritten signature in black ink, reading "Ronald K. Hooks". The signature is written in a cursive style with a horizontal line underneath it.

Ronald K. Hooks, Regional Director  
National Labor Relations Board, Region 19  
Henry M. Jackson Federal Building  
915 2<sup>nd</sup> Avenue, Ste. 2948  
Seattle, WA 98174

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19**

**IAMAW DISTRICT LODGE NO. 160**

**Charged Party**

**and**

**SSA TERMINALS, LLC**

**19-CD-303801**

**Charging Party**

**and**

**INTERNATIONAL LONGSHORE &  
WAREHOUSE UNION, INTERNATIONAL  
LONGSHORE & WAREHOUSE UNION, LOCAL  
19**

**Intervenor**

**and**

**PACIFIC MARITIME ASSOCIATION**

**Intervenor**

**and**

**MSC MEDITERRANEAN SHIPPING COMPANY  
S.A.**

**Party-In-Interest**

**AFFIDAVIT OF SERVICE OF: Order Referring Petition to Revoke Subpoena Duces  
Tecum to Hearing Officer, dated November 2, 2022.**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on November 2, 2022, I served the above-entitled document(s) by **e-issue** upon the following persons, addressed to them at the following addresses:

Brandon Hemming, Assistant Business Rep  
IAM, District Lodge 160  
9135 15th Pl S  
Seattle, WA 98108-5100

MSC Mediterranean Shipping Company SA  
CSC Corporation Service Company  
300 Deschutes Way SW, STE 208  
Tumwater, WA 98501

David A. Rosenfeld , Attorney  
Weinberg, Roger & Rosenfeld  
1375 55th St  
Emeryville, CA 94608-2609

Edward DeNike, General Manager  
SSA Marine  
1131 SW Klickitat Way  
Seattle, WA 98134-1108

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Gordon Rees Scully Mansukhani, LLP  
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San Diego, CA 92101

William Adams, President  
International Longshore & Warehouse Union  
1188 Franklin St 4th Fl  
San Francisco, CA 94109-6800

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Leonard Carder LLP  
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San Francisco, CA 94109

Eleanor Morton, Attorney  
Leonard Carder LLP  
1188 Franklin St., Suite 201  
San Francisco, CA 94109-6852

Kirsten Donovan, Attorney  
ILWU Coast Longshore Division  
1188 Franklin St  
San Francisco, CA 94109-6800

Jeremy M. Bylund, Attorney  
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1700 Pennsylvania Ave NW, Ste 900  
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Jim McKenna, Chief Operating Officer  
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555 Market St. Fl 3  
San Francisco, CA 94105-5801

Richard Austin, President  
ILWU, Local 19  
3440 E Marginal Way S  
Seattle, WA 98134-1132

---

Date

---

Dennis Snook, Designated Agent of NLRB  
Name

---

/s/ Vicky Perkins

Signature

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 19**

**IAMAW DISTRICT LODGE NO. 160**

**Charged Party**

**and**

**SSA TERMINALS, LLC**

**Charging Party**

**and**

**INTERNATIONAL LONGSHORE &  
WAREHOUSE UNION, INTERNATIONAL  
LONGSHORE & WAREHOUSE UNION,  
LOCAL 19**

**Case 19-CD-303801**

**Intervenor**

**and**

**PACIFIC MARITIME ASSOCIATION**

**Intervenor**

**and**

**MSC MEDITERRANEAN SHIPPING COMPANY  
S.A.**

**Party-In-Interest**

**ORDER REFERRING PETITIONS TO REVOKE  
SUBPOENA DUCES TECUM TO HEARING OFFICER**

On November 2, 2022, Counsel for Charged Party, SSA Terminals, LLC, filed Petitions to Revoke Subpoena Duces Tecum B-1-1HAMA65 and B-1-1H7W9MD.

After due consideration, I have determined not to make a ruling on the Charged Party's Petitions at this time and, instead, to issue the following directive:

**IT IS HEREBY ORDERED** that the Petitions to Revoke Subpoena Duces Tecum be, and hereby is, referred for ruling to the designated Hearing Officer. The hearing is scheduled for Thursday, November 3, 2022 at 10:00 AM (PDT).

Date at Seattle, Washington, this 3<sup>rd</sup> day of November, 2022.

***Ronald K. Hooks***

---

Ronald K. Hooks, Regional Director  
National Labor Relations Board, Region 19  
Henry M. Jackson Federal Building  
915 2<sup>nd</sup> Avenue, Ste. 2948  
Seattle, WA 98174